

REMARKS

The Applicant thanks the Examiner for his detailed comments. Amendments have been made to the abstract, specification, claims, and drawings. Entry of the Amendments is respectfully requested.

Restriction Requirement

The Applicant disagrees and again traverses the Examiner's restriction requirement, which is clearly inapplicable, since all of the claims as filed and pending in this application depend from one species of joint prosthesis recited in claim 1. The election with traverse distinctly and specifically pointed out this error by the Examiner. A restriction requirement may only be based on two or more independent and distinct inventions claimed in one application. (35 U.S.C. 121). The Examiner based the restriction requirement not on claimed inventions but merely on disclosed subject matter of the specification. This is improper and withdrawal is respectfully requested.

Abstract

The abstract has been amended to overcome the Examiner's objections listed in paragraph 5. No new matter has been added.

Specification

In response to paragraph 4 in the examiner's detailed action, an updated cross-reference to related applications has been provided. A copy of the transaction history for the parent application which is attached and shows a preliminary amendment of July 17, 2002, which is apparently the date received by the USPTO. No new matter has been added.

A brief description for figures 35-57 has been added by amendment in response to paragraph 4. No new matter has been added.

Replacement Drawings

In response to paragraph 6 of the Examiner's detailed action, a replacement sheet of drawings for Figures 38A through 38C has been provided. Figure 38C now describes an example of two arcuate curves J and K.

Indefiniteness

With respect to claim rejections under 35 U.S.C. §112 in paragraphs 7 and 8, the elements of the amended claims now have proper antecedent basis. Claim 1 has been amended to further broaden the claim, which has eliminated terms missing antecedent basis.

Anticipation

With respect to the rejections under 35 U.S.C. §102 in paragraph 10, a reference must disclose each and every element of a claim exactly. Here, Grimes is silent on the characteristics of the socket joint. Moreover, Grimes does not discuss its characteristics and instead focuses on the ball joint. For example, he repeatedly describes the cup as “not shown.” (pg. 17, lines. 28-30 and pg. 30, lines 22-24.)

Grimes does not disclose “a prosthetic socket having a plurality of segments, said segments being sized and configured ...for insertion through said hole...,” as recited in claim 1. Therefore, Grimes does not anticipate claim 1.

Amended claim 2 includes all of the limitations of claim 1 and additional limitations. Therefore, claim 2 is not anticipated by Grimes.

Claim 3 has been amended. Amended claim 3 includes all of the limitations of claims 1 and 2 and additional limitations. Therefore, Grimes does not anticipate claim 3.

Claim 4 is unamended and stands allowable, according to the Examiner if written in independent form.

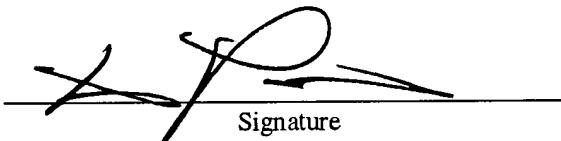
Furthermore, the claims are nonobvious over the references cited by the Examiner. In order to establish *prima facie* obviousness, a reference must teach or suggest every limitation of a claimed invention. Grimes neither teaches nor suggests “a prosthetic socket having a plurality of segments, said segments being sized and configured ...for insertion through said hole...,” as recited in claim 1. Therefore, Grimes fails to establish *prima facie* obviousness.

The amendments to the claims, specification, abstract and drawings now put the application in condition for allowance. The Applicant respectfully requests that the Examiner enter the amendments and indicate allowance of the claims that are now pending in this application, and are neither anticipated by nor obvious over the references cited by the Examiner.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 13, 2005

Christopher Paradies

Name of applicant, assignee or
Registered Representative



Signature

April 27, 2005

Date of Signature

JSP:kat
Enclosures

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Respectfully submitted,



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IN THE DRAWINGS

A replacement sheet of drawings is provided for replacing the sheet of drawings having Figs. 38A and 38B. No new matter has been added.